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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,514	12/19/2003	Camilo E. Villamil	CEI2020JUI	8184
7590 Scott M. Garrett Motorola, Inc. 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 03/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,514

Applicant(s)

VILLAMIL ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-26,28-35 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-26,28-35 and 37-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/5/07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-26, 28-35 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstemeyer (US 2004/0243664) in view of Garcia (US 2003/0125054).

Regarding claims 1 and 22, Horstemeyer discloses a system and method in a mobile communication device for use in a mobile communication system and for providing a status of a user of the mobile communication device, including a transceiver 44 for communicating with the mobile communication system; memory 30a containing at least one event descriptor, the event descriptor defining an event; a user interface 34a for providing information to, and receiving input from the user; a controller (MTCU 15) for evaluating a present status of the mobile communication device against the at least one event descriptor for determining an occurrence of

the event defined by the at least one event descriptor; and status response instruction code disposed in the memory which is executed upon the occurrence of the event, as determined by the controller, the status response code causing the mobile communication device to transmit a status response message directly to a preselected party when executed by the mobile communication device. See FIGS. 1 and 2, and paragraphs 101, 102 and 111.

Horstemeyer fails to disclose alerting a user of the mobile communication device of the occurrence of the event in response to detecting the occurrence of the event; prompting the user of the mobile communication device for an input from the user; and receiving the input from the user before transmitting the status message.

However, in an analogous art, Garcia discloses these features in paragraphs 62 and 64. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method in Horstemeyer by incorporating these teachings in Garcia for the purpose of allowing a user to decide whether to transmit the status message.

Regarding claims 2 and 23, Horstemeyer discloses that providing at least one event descriptor includes providing geographic location parameter in the event descriptor. See paragraph 332.

Regarding claims 3 and 26, Horstemeyer discloses that providing at least one criteria set comprises a time parameter. See paragraphs 109 and 125.

Regarding claims 5 and 28, Horstemeyer discloses that prompting the user includes a visual indicator. See paragraph 353.

Regarding claims 6, 29 and 41, Horstemeyer discloses that alerting the user with a visual indicator includes illuminating a status response button on the mobile communication device. See paragraph 264.

Regarding claims 7 and 30, Horstemeyer discloses that prompting the user for an input includes prompting the user with an auditory alert. See paragraph 137.

Regarding claims 8 and 31, Horstemeyer discloses that prompting the user for an input includes prompting the user with a tactile alert. See paragraph 387.

Regarding claims 9, Horstemeyer discloses that prompting the user with a tactile alert includes prompting the user with a vibratory alert. See paragraph 387.

Regarding claims 10 and 32, Horstemeyer discloses that receiving an input includes authenticating the user. See paragraph 320.

Regarding claims 11 and 33, Horstemeyer discloses that authenticating the user includes identifying a fingerprint of the user. See paragraph 320.

Regarding claims 12 and 34, Horstemeyer discloses that authenticating the user includes receiving a password entry from the user. See paragraph 355.

Regarding claims 13 and 35, Horstemeyer discloses that authenticating the user includes performing voice recognition on a speech segment spoken by the user in response to the prompting. See paragraph 263.

Regarding claims 14 and 37, Horstemeyer discloses that receiving the input includes detecting an actuation of a status response button. See paragraph 264.

Regarding claims 15 and 38, Horstemeyer discloses that detecting the occurrence of the event includes detecting a present geographic location. See paragraph 332.

Regarding claims 16, 24 and 39, Horstemeyer discloses that detecting the present geographic location includes using a satellite positioning subsystem of the mobile communication device to determine the present geographic location. See paragraphs 93 and 167.

Regarding claims 17 and 25, Horstemeyer discloses detecting the present geographic location includes receiving location information from a base station providing communication service to the mobile communication device. See paragraph 111.

Regarding claims 18 and 40, Horstemeyer discloses that detecting the occurrence of the event includes receiving a message at the mobile communication device. See paragraph 99.

Regarding claims 19, Horstemeyer discloses that receiving the message at the mobile communication device includes receiving a status inquiry message at the mobile communication device. See paragraph 116.

Regarding claims 20, Horstemeyer discloses that receiving the message at the mobile communication device includes receiving a local wireless message from a source other than a mobile communication system. See paragraph 116.

Regarding claim 21, Horstemeyer discloses that transmitting the status message is performed automatically in response to detecting the occurrence of the event. See paragraphs 119 and 150.

Response to Arguments

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Examiner, Art Unit 2617